

6-7 EDWARD VII., A. 1907

governed in their proceedings by the French usages and customs which have heretofore prevailed in respect to such property; from which words it appears plainly that their lordships understood that in all cases, where rights and claims are founded on events posterior to the said conquest, the several courts of justice were to be governed by the English laws, and that their lordships were solicitous to make an express provision, that this general rule of deciding cases according to the English laws should not be applied to such causes as were founded on events that were prior to the said conquest, in which cases it would be manifestly unjust.

The more confined sense in which it was understood by his Majesty's attorney and solicitor general, in April 1766.

We know at the same time that your Majesty's attorney and solicitor general, in the following month of April 1766,¹ understood the words of your Majesty's royal proclamation in a more confined sense, as being introductive of only some select parts of the laws of England that were more particularly beneficial to your Majesty's English subjects, and not of the whole body of those laws. This they took to be the true import of these words in your Majesty's proclamation above-mentioned, *the enjoyment of the benefit* of the laws of England; and they were of opinion that the criminal laws of England were almost the only laws that came under that description; and that the laws of England relating to the descent, alienation, settlements, and incumbrances of real estates, and to the distribution of personal property in case of intestacy, were certainly not comprehended under it. Whether this or the former way of interpreting this part of your Majesty's proclamation is the true one, belongs only to your Majesty to determine, according to the ancient rule of law laid down by the celebrated lawyer *Bracton*, that "*cujus est condere, ejus est interpretari.*" All that we presume to do on this occasion is to lay before your Majesty a full and plain historical account of the several public instruments and acts of government by which the laws of England have either been introduced, or imagined to be introduced, into this province in lieu of those laws and customs which were observed in it heretofore.

The commission given to Gen. Murray in 1764 to be vice admiral of the province of Quebec.

The next public instrument of this kind is your Majesty's commission to General Murray in the year 1764, to be vice-admiral, commissary and deputy in the office of vice-admiralty in the province of Quebec.² This is a judicial commission, by which the said General was empowered to enquire, by the oaths of honest and lawful men of the said province, of all and singular matters and things which of right, and by the statutes, laws, ordinances, and customs, anciently observed, were wont and ought to be enquired after; and of wreck of the sea; and of goods

¹ See Report of Yorke and de Grey, p. 251.

² See Maseres' *Collection of Several Commissions, &c.*, p. 113.